

## CHAPTER 67:42:10

### LICENSED DAY CARE PROGRAMSCENTERS

#### Section

- 67:42:10:00 ~~Definition of day care center~~Definitions.
- 67:42:10:01 Statement defining purpose and function.
- 67:42:10:02 Qualifications for ~~executive director or proprietor and assistant director.~~
- 67:42:10:02.01 Qualifications for individual responsible for program planning and staff supervision.
- 67:42:10:03 Transferred.
- 67:42:10:04 Repealed.
- 67:42:10:05 Qualifications of staff members.
- 67:42:10:06 Staff development and training.
- 67:42:10:06.01 Staff orientation.
- 67:42:10:07 Staff-child ratio.
- 67:42:10:08 ~~Staff health requirements~~Repealed.
- 67:42:10:09 Staff records and hiring requirements.
- 67:42:10:10 Program standards.
- 67:42:10:11 Standards for discipline.
- 67:42:10:12 Parental involvement.
- 67:42:10:13 Nutrition requirements.
- 67:42:10:14 Health standards for day care children.
- 67:42:10:15 Medications.
- 67:42:10:16 Building plans.
- 67:42:10:17 Compliance with environmental health standards required --  
Environmental health survey.
- 67:42:10:18 Fire and life safety.

- 67:42:10:19 Physical standards for facility.
- 67:42:10:20 Night-time care.
- 67:42:10:21 Volunteers.
- 67:42:10:22 Staff responsibility for reporting suspected in-house incidents of child abuse or neglect.
- 67:42:10:23 Center procedures for handling suspected in-house child abuse.
- 67:42:10:24 Storage for personal items.
- 67:42:10:25 Staff person trained in first aid and CPR must be onsite during hours of operation.

67:42:10:00. ~~Definition of day care center~~Definitions. Terms used in this chapter mean:

(1) ~~A day~~Day care center, is a facility for the care and supervision of 21 or more children on a regular basis for part of a day as a supplement to regular parental care;

(2) "Day care program" or "program," refers to both day care centers and group family day care homes; and

(3) "Group family day care home," a facility where regular supervision of 13 to 20 children is provided for part of a 24-hour period as a supplement to regular parental care.

Source: 12 SDR 209, effective July 6, 1986; 15 SDR 162, effective May 4, 1989.

General Authority: SDCL 26-6-16.

Law Implemented: SDCL 26-6-16.

67:42:10:01. Statement defining purpose and function. A licensed day care program~~center~~ shall submit to the department a statement of its purpose and function,<sup>1</sup>; the maximum number of children to be cared for,<sup>1</sup>; proposed age levels,<sup>1</sup>; ~~services available to children with special needs;~~ its hours of service,<sup>1</sup>; and a description of the day care program. ~~Upon request of the department, information on fiscal or statistical matters shall also be submitted or otherwise be made available to the department.~~

Source: Transferred from § 67:14:19:11, 4 SDR 10, effective August 28, 1977; transferred from § 67:41:04:05, 7 SDR 66, 7 SDR 89, effective July 1, 1981; 12 SDR 209, effective July 6, 1986.

General Authority: SDCL 26-6-16.

Law Implemented: SDCL 26-6-16.

67:42:10:02. Qualifications for executive director or proprietor and assistant director. The executive director or proprietor and the assistant director of a day care center program must be at least 18 years of age, may not have on record a substantiated report of child abuse or neglect, and if the individual owes child support arrearages which total \$1,000 or more, the individual must have a satisfactory arrangement with the Office of Child Support Enforcement for the repayment of those arrearages.

~~—The operator must be a stable, emotionally mature individual of reputable character.—The director~~operator shall demonstrate the ability to provide care for children that attends to the child's physical growth and development and to the physical, emotional, cognitive, and social needs of the child.

Source: Transferred from § 67:14:19:16, 4 SDR 10, effective August 28, 1977; transferred from § 67:41:04:07, 7 SDR 66, 7 SDR 89, effective July 1, 1981; 12 SDR 209, effective July 6, 1986; 20 SDR 223, effective July 7, 1994; 21 SDR 206, effective June 4, 1995; 31 SDR 40, effective September 29, 2004.

General Authority: SDCL 26-6-16.

Law Implemented: SDCL 25-7A-56, 26-6-16.

Cross-References:

Staff records and qualifications, § 67:42:10:09;

~~—Screening for substantiated reports of abuse and neglect, § 67:42:01:05:02;~~

~~—Notice to absent parent before restricting issuance of licenses, § 67:18:01:61;~~

~~—Administrative review and fair hearing before restricting issuance of licenses, § 67:18:01:62.~~

67:42:10:05. Qualifications of staff members. A child care worker must be at least 18 years old and must work under the supervision of an individual who meets the requirements of § 67:42:10:02.01. A child care worker may be included in the staff-child ratio.

A secondary child care worker must be at least 14 years old and may be counted in the staff-child ratio only when under the direct and constant supervision of a teacher, the center director, or a child care worker and when there are at least two adults present in the center. A secondary child care worker may not be left alone with children in care.

The provisions of §§ 67:42:10:06, ~~67:42:10:08~~, and 67:42:10:09 apply to child care workers, ~~and secondary child care workers, and support.~~

~~Support~~ staff such as cooks, bus drivers, and others who have contact with children ~~must meet the provisions of §§ 67:42:10:06, as applicable, 67:42:10:08, and 67:42:10:09.~~

The provisions of § 67:42:10:09 apply to auxiliary ~~Auxiliary~~ staff, which includes ~~those~~ individuals such as janitors and secretaries who provide assistance with the operation of the program ~~center~~ but do not have direct contact with children in care. ~~The provisions of §§ 67:42:10:08 and 67:42:10:09 apply to auxiliary staff.~~

A volunteer filling any of these positions must meet the applicable requirements.

Source: Transferred from § 67:14:19:18, 4 SDR 10, effective August 28, 1977; transferred from § 67:41:04:09, 7 SDR 66, 7 SDR 89, effective July 1, 1981; 12 SDR 209, effective July 6, 1986; 15 SDR 162, effective May 4, 1989; 20 SDR 223, effective July 7, 1994; 21 SDR 206, effective June 4, 1995; 31 SDR 40, effective September 29, 2004.

General Authority: SDCL 26-6-16.

Law Implemented: SDCL 26-6-16.

Cross-References: ~~Screening for substantiated reports of abuse and neglect, § 67:42:01:05.02;~~ Revocation or refusal to issue or renew license or registration for child abuse or violence, SDCL 26-6-23.1.

67:42:10:06. Staff development and training. ~~The center~~ Each program must have and implement a written training plan. Each staff member for a group family day care home must participate in 10 hours of training annually. Each staff member for a day care center must participate in 20 hours of training annually. ~~During the first year of employment, each staff person must obtain training~~ Training must be obtained in the following areas:

- (1) ~~Basic first aid. This must occur during the first year of licensure~~ Child growth and development;
- (2) ~~Detecting and reporting child abuse and neglect~~ Child growth and development;
- (3) ~~Learning environments~~ Guidance and behavior management;
- (4) ~~Food handling techniques~~ Guidance and behavior management;
- (5) ~~Identification and prevention of communicable diseases~~ Communication and relations with staff;
- (6) ~~Detecting and reporting of child abuse and neglect~~ Program health and safety;
- (7) ~~Nutrition for children~~ Food handling techniques;
- (8) ~~Program management and regulation~~ The identification and prevention of communicable diseases;
- (9) ~~Communication and relations with staff~~ Cultural diversity;
- (10) ~~Cultural diversity~~ Program health and safety;
- (11) ~~Nutrition for children~~ Learning environments;
- (12) Age-appropriate activities and planning;
- (13) Professionalism;
- (14) Partnerships with parents;
- (15) Inclusion of all children; and
- (16) ~~Program management and regulation~~ Basic first aid.

~~After the first year of an individual's employment at the center, the center shall provide training in the subject areas most needed for professional development of staff and effective~~

~~center operation.~~ Instruction provided to staff members or volunteers while performing their job may not be used to meet the requirements of this rule.

The number of training hours required of staff who are not full-time employees shall be proportionate to the number of hours worked.

~~Supervision of staff members as they perform their routine tasks may not be considered training for purposes of this requirement.~~

Before an initial license is issued, the ~~operator~~director or a designated staff person must complete at least one hour of class instruction in basic first aid. In addition, if not already certified, the director~~operator~~ must become certified in infant-child cardio-pulmonary resuscitation (CPR) through ~~either the American Heart Association or the American Red Cross or another~~ an entity that provides the operator or designated staff person with hands-on skills testing as part of the training. Within the first year of employment, each staff person must complete and become certified in infant-child CPR ~~through either the American Heart Association or the American Red Cross.~~ Each staff person must maintain a valid certification in CPR at all times.

Source: Transferred from § 67:14:29:19, 4 SDR 10, effective August 28, 1977; transferred from § 67:41:04:10, 7 SDR 66, 7 SDR 89, effective July 1, 1981; 12 SDR 209, effective July 6, 1986; 21 SDR 206, effective June 4, 1995; 31 SDR 40, effective September 29, 2004.

General Authority: SDCL 26-6-16.

Law Implemented: SDCL 26-6-16.



67:42:10:06.01. Staff orientation. The ~~center~~program must have and implement a written plan for orientation training. The plan must provide for staff orientation in at least the following areas:

- (1) Planning developmentally appropriate activities for children;
- (2) Supervision and guidance techniques;
- (3) Handwashing and sanitation techniques to reduce the spread of disease and infection;
- (4) Meeting the nutritional needs of children;
- (5) Meeting the special health care needs of children;
- (6) Emergency response procedures;
- (7) Reporting suspected cases of child abuse and neglect;
- (8) Facility policies; and
- (9) Regulations governing center operations.

Orientation must be completed either before the staff member or volunteer may have unsupervised contact with children in care or within 30 days after beginning work with children, whichever occurs first. Documentation of the completed orientation must be kept in the staff member's or volunteer's personnel file.

Orientation training may count toward one hour of the required annual training for each staff person during the person's first year of employment.

Source: 31 SDR 40, effective September 29, 2004.

General Authority: SDCL 26-6-16.

Law Implemented: SDCL 26-6-16.

67:42:10:07. Staff-child ratio. A ~~day care center~~program must maintain the following ratio for staff and children present ~~at the center~~:

(1) For children up to three years of age, one staff person to every five children, or fraction thereof;

(2) For children three to six years of age, one staff person to every 10 children, or fraction thereof; and

(3) For children six years of age or older, one staff person to every 15 children, or fraction thereof.

The staff-child ratio of mixed-age groups must meet the requirements of the age grouping that comprises the majority of the children except when children under three years of age are present. When three or more children under the age of three years are present in the mixed-age group, the staff-child ratio for children under three years of age must be maintained.

There may be no more than 20 children in an activity grouping. ~~Children younger than four weeks of age may not be cared for in a day care center.~~

There must be a list of adults who would be available within 15 minutes of the ~~facility~~center in case of an emergency. This list must be posted next to the center's telephone and must include the adults' telephone numbers. Children of staff members who are also in care or are supervised at the ~~facility~~center must be included in determining group size and the staff-child ratio. ~~Additional staff such as cooks, janitors, and secretaries may not be included in the determination of the staff-child ratio unless performing a care-giving role. A cook may not perform a care-giving role while preparing food.~~

Source: Transferred from § 67:14:19:20, 4 SDR 10, effective August 28, 1977; transferred from § 67:41:04:11, 7 SDR 66, 7 SDR 89, effective July 1, 1981; 12 SDR 209, effective July 6, 1986; 21 SDR 206, effective June 4, 1995; 31 SDR 40, effective September 29, 2004.

General Authority: SDCL 26-6-16.

Law Implemented: SDCL 26-6-16.

Cross-Reference: Additional number of children in day care -- Staff-to-child ratios, SDCL

26-6-15.1.

67:42:10:08. Staff health requirements. ~~Each staff member must have a Mantoux tuberculin skin test at the time of employment before having direct contact with children. Individuals who react to the test but are without disease and who do not complete a preventive course of Isoniazid, INH, must annually demonstrate evidence of no active disease by a physical evaluation completed by a medical doctor. Individuals who have been infected by tuberculosis and have completed a minimum six-month course of INH and individuals who show no reaction to the test at the time of employment are exempt from further tuberculin evaluation for the purposes of this chapter. A copy of the tuberculin test reports and physical evaluations must be kept in the staff member's file and must be furnished to the department upon request~~Repealed.

Source: Transferred from § 67:14:19:24, 4 SDR 10, effective August 28, 1977; transferred from § 67:41:04:16, 7 SDR 66, 7 SDR 89, effective July 1, 1981; 12 SDR 209, effective July 6, 1986; 15 SDR 162, effective May 4, 1989; 21 SDR 206, effective June 4, 1995.

~~General Authority: SDCL 26-6-16.~~

~~Law Implemented: SDCL 26-6-16.~~

67:42:10:09. Staff records and hiring requirements. A ~~day care center~~program must maintain a record on each staff member. The record must include the staff member's name, age, address, telephone number, education and work experience, in-service and orientation training, hours of work, and dates of employment and separation, ~~a statement signed by the staff member acknowledging that the staff member has reviewed and understands the provisions of chapters 67:42:01, 67:42:10, and 67:42:11, and a statement signed by the employee which defines child abuse and neglect and outlines the employee's responsibility to report all incidents of child abuse or neglect under the provisions of SDCL 26-8A-3 and 26-8A-8.~~ The facilityprogram must make the personnel records available to the department for verification of the contents. The facilityprogram must retain personnel records for six months after the staff member's employment ends.

Before hiring an individual ~~to work at the center~~, the centerprogram must contact at least three references which may include the individual's former employers. The contacts must relate to the individual's character, ~~emotional stability~~, and competence. The references may not be related to the prospective staff member and must be individuals who have known the prospective staff member prior to the time of application. References must be in the form of a documented conversation or written letter and must be on record before hiring the individual.

Before hiring an individual to work at the center, the center must comply with the screening requirements of §§ 67:42:16:04 and 67:42:16:05~~67:42:01:05.01 and 67:42:01:05.02.~~

Source: Transferred from § 67:14:19:29, 4 SDR 10, effective August 28, 1977; transferred from § 67:41:04:20, 7 SDR 66, 7 SDR 89, effective July 1, 1981; 12 SDR 209, effective July 6, 1986; 20 SDR 223, effective July 7, 1994; 21 SDR 206, effective June 4, 1995; 24 SDR 76, effective December 11, 1997; 31 SDR 40, effective September 29, 2004.

General Authority: SDCL 26-6-16(1).

Law Implemented: SDCL 26-6-16(1), 26-6-23.2.

~~—Cross-Reference: Screening for substantiated reports of abuse and neglect,  
§ 67:42:01:05.02.~~

67:42:10:10. Program standards. Each ~~day care center~~program must have written policies regarding the following:

- (1) Admission and termination of service;
- (2) Fee, payment, and refund policies;
- (3) Health program policies for children, including the need for a current immunization record, the reporting of contagious diseases, and the storage and administration of medications;
- (4) Responsibility to report and the procedures for reporting suspected child abuse or neglect within the ~~day care center~~program;
- (5) Nutrition policies, including the time meals are served, a description of a balanced meal, the ~~center's~~program's position concerning food brought from home, the storage of food brought from home, and the feeding of infants;
- (6) Transportation policies, including use of seatbelts and whether transportation is provided;
- (7) Evacuation plans, including location of the evacuation plan and annual fire and tornado drill requirements;
- (8) Discipline policies, including the form of discipline used and those prohibited;
- (9) Reporting changes in circumstances such as a change of facility location, the felony conviction of a staff member, or involvement with the ~~Office~~Division of Child Protection Services or law enforcement concerning investigations of child abuse or neglect;
- (10) Program activities, including a daily schedule of activities and programs; and
- (11) Personnel policies and staff qualifications.

In addition, there must be a written program of activities planned according to the developmental level of each group of children. The program must provide each child with experiences which encourage self-esteem and positive self-image, social interaction, self-expression and communication skills, creative expression, large and small muscle

development, and intellectual growth. The program schedule must be planned to provide a flexible balance of active and quiet activities, individual and group activities, and indoor and outdoor activities.

Children must be given attention on a one-to-one basis by staff members.

Each ~~program~~~~day care center~~ must have safe, non-toxic play materials and equipment for creative activity, dramatic play, language arts, and large and small muscle development and coordination.

Source: 7 SDR 66, 7 SDR 89, effective July 1, 1981; written policies requirement transferred from § 67:42:10:03, 12 SDR 209, effective July 6, 1986; 14 SDR 98, effective January 18, 1988; 21 SDR 206, effective June 4, 1995; 24 SDR 76, effective December 11, 1997; 31 SDR 40, effective September 29, 2004.

General Authority: SDCL 26-6-16(2), 26-6-16(6), 26-6-16(7), 26-6-16(9), 26-6-16(12).

Law Implemented: SDCL 26-6-16(2), 26-6-16(6), 26-6-16(7), 26-6-16(9), 26-6-16(12).



67:42:10:11. Standards for discipline. Each ~~center~~program shall have a written policy on the discipline techniques to be used for a child in care. Discipline techniques used shall offer clear-cut limits with positive guidance and direction to help a child to develop self-control and respect for the rights of others. Discipline techniques must be appropriate to the child's age and developmental level. Separation, when used as discipline, must be within sight or hearing range of a staff member responsible for caring for children. Discipline may not be delegated to older children or peers. Use of humiliating or frightening punishment such as the following are prohibited:

- (1) Spanking, hitting, pinching, biting, shaking, or inflicting any other unusual physical punishment;
- (2) Verbal abuse, threats, or derogatory remarks about self or family;
- (3) Restriction of movement or confinement. ~~by binding or enclosure in a confined space such as a closet, locked room, box, or similar cubicle;~~ A child may not be isolated in a locked room or closet;
- (4) Punishment for lapses in toilet training;
- (5) Withholding or forcing of meals, snacks, or naps to correct behavior; and
- (6) Use of substances such as soap, pepper, or hot pepper sauce for punishment of undesirable behaviors.

Source: 7 SDR 66, 7 SDR 89, effective July 1, 1981; 31 SDR 40, effective September 29, 2004.

General Authority: SDCL 26-6-16.

Law Implemented: SDCL 26-6-16.

67:42:10:12. Parental involvement. Parents shall be allowed to observe their own child or children in the ~~facility~~center at any time and immediately upon request.

Source: 4 SDR 10, effective August 28, 1977; transferred from § 67:41:04:13, 7 SDR 66, 7 SDR 89, effective July 1, 1981; 12 SDR 209, effective July 6, 1986.

General Authority: SDCL 26-6-16.

Law Implemented: SDCL 26-6-16.

67:42:10:13. Nutrition requirements. If a child is ~~in a day care center~~ at the program during the ~~center's~~ program's regular meal time, the ~~center~~ program must offer the child a meal which consists of a variety of foods ~~from the basic food guide pyramid food groups and~~ which supplies at least one-third of the child's daily nutritional needs. Nutritious midmorning, midafternoon, and evening snacks must be served between meals. Breakfast may be substituted for the midmorning snack. ~~A day care center~~ program preparing food must meet the food service requirements contained in chapter 67:42:11. ~~A day care center~~ program may serve food prepared in another facility if that facility complies with the food service requirements of chapter 67:42:11 and a copy of that facility's current food service license issued by the Department of Health is kept on file ~~at the center.~~

The ~~center~~ program must post a weekly menu which indicates the meals to be served ~~at the center~~ that week. The ~~center~~ program must record on the weekly menu the food actually served. Each weekly menu must be retained for inspection for six months after the week for which it was prepared.

Infants must be fed according to their individual schedule and must be held while bottle feeding.

Meals, snacks, and formulas which are prepared by the child's parents and served by the ~~program~~ center must be stored according to § 67:42:11:17 until consumed or disposed of.

Source: Transferred from § 67:14:19:22, 4 SDR 10, effective August 28, 1977; transferred from § 67:41:04:14, 7 SDR 66, 7 SDR 89, effective July 1, 1981; 12 SDR 209, effective July 6, 1986; 13 SDR 197, effective July 1, 1987; 14 SDR 20, effective August 13, 1987; 21 SDR 206, effective June 4, 1995; 31 SDR 40, effective September 29, 2004.

General Authority: SDCL 26-6-16.

Law Implemented: SDCL 26-6-16.

67:42:10:14. Health standards for day care children. Before a child may be admitted to a ~~day care center~~program, the ~~center~~program must require a child's parent or guardian to submit a written statement signed by a licensed physician, physician's assistant, certified nurse practitioner, or community health nurse or an immunization record from the South Dakota Immunization Information System showing that the child meets the minimum immunization requirements as recommended by the Department of Health.

The day care center must ensure that immunization levels of all children are current. For children who begin the series late or are more than one month behind in immunizations, the immunization levels of these children must show current progress toward achieving adequate immunization levels as recommended by a licensed physician, physician's assistant, certified nurse practitioner, or community health nurse. The Department of Health may verify immunization levels during an annual audit. If a child suffers an illness during the day, the child must be separated from other children and the child's parents must be notified. The ~~center~~program must notify the Department of Health if any child in the day care center contracts a communicable disease. The ~~center~~program must follow the Department of Health's recommendations for addressing a situation involving a communicable disease. The ~~center~~program must have on file the name, address, and telephone number of each child's source of regular health supervision as well as other emergency medical information.

A child is exempt from meeting the minimum age-specific immunization levels if the child's parent or guardian has certification from a licensed physician stating that the physical condition of the child is such that a test or immunization would endanger the child's life or health or if the child's parent or guardian has signed a written statement that the child is an adherent to a religious doctrine whose teachings are opposed to such tests and immunizations.

Written permission from parents or guardians allowing for the child's emergency medical care must be obtained and maintained by the ~~operator~~director.

Source: Transferred from § 67:14:19:23, 4 SDR 10, effective August 28, 1977; transferred from § 67:41:04:15, 7 SDR 66, 7 SDR 89, effective July 1, 1981; 12 SDR 209, effective July 6, 1986; 15 SDR 162, effective May 4, 1989; 21 SDR 206, effective June 4, 1995; 31 SDR 40, effective September 29, 2004.

General Authority: SDCL 26-6-16.

Law Implemented: SDCL 26-6-16.

Cross-References:

Tests and immunizations for communicable diseases required for admission to school --  
Exceptions -- Rules, SDCL 13-28-7.1.

Definition of "communicable disease," § 44:20:01:01.

67:42:10:15. Medications. Medications may only be administered with the written consent of the parent or guardian and only if the consent lists the name of the medication and the date or dates the medication is to be administered. Any medication administered to a child must be documented to include the dose, name of child, time and date administered, and signature of the person administering the medication. This written documentation must be kept for six months following the administration of the medication. Medications must be kept in their original container with the original label. The label for prescription medications must contain legible directions for use, the expiration date, the child's name, and the physician's name. ~~A drug container without a label or with an illegible label is not permitted.~~ Medications must be stored in a place which is inaccessible to children. Medication requiring refrigeration must be placed in another nonabsorbent container and labeled "medications".

Source: Transferred from § 67:14:19:23, 4 SDR 10, effective August 28, 1977; transferred from § 67:41:04:15, 7 SDR 66, 7 SDR 89, effective July 1, 1981; 21 SDR 206, effective June 4, 1995; 31 SDR 40, effective September 29, 2004.

General Authority: SDCL 26-6-16.

Law Implemented: SDCL 26-6-16.

67:42:10:16. Building plans. Before building a new ~~day-care-center-facility~~ or renovating or altering an existing ~~day-care-center-facility~~, the ~~center-program~~ must submit copies of its proposed building, renovation, or alteration plans to the department for approval. The plan must indicate the interior dimensions of each room and the intended use of the room, the location of the fixtures in each bathroom, and the location of the appliances and fixtures for the kitchen. Indoor and outdoor play space must be identified.

Source: SL 1975, ch 16, § 1; transferred from § 67:14:19:31, 4 SDR 10, effective August 28, 1977; transferred from § 67:41:04:22, 7 SDR 66, 7 SDR 89, effective July 1, 1981; 21 SDR 206, effective June 4, 1995.

General Authority: SDCL 26-6-16.

Law Implemented: SDCL 26-6-16.

67:42:10:17. Compliance with environmental health standards required -- Environmental health survey. A ~~day-care center~~program must satisfactorily comply with environmental health standards in chapter 67:42:11 to be licensed. An environmental health survey must be conducted by the Department of Health before the initial licensing of the ~~day-care center~~program and each year thereafter for licensure renewal.

Source: Transferred from § 67:14:19:32, 4 SDR 10, effective August 28, 1977; transferred from § 67:41:04:23, 7 SDR 66, 7 SDR 89, effective July 1, 1981; 13 SDR 197, effective July 1, 1987; 14 SDR 20, effective August 13, 1987.

General Authority: SDCL 26-6-16.

Law Implemented: SDCL 26-6-16.



67:42:10:18. Fire and life safety. A licensed day care center must comply with the construction and fire safety requirements in chapter 61:15:05. A licensed group family day care home must comply with the fire safety requirements in chapter 61:15:06. The Department of Public Safety, the city fire inspection authority, or the city health inspection authority must inspect the center before an initial license is issued and each year thereafter. Before an initial license is issued, the center must provide to the department a copy of the inspection results. The inspection results must indicate compliance with the fire and life safety requirements. Each year thereafter, the center must provide to the department a copy of the inspection results indicating continued compliance with the fire and life safety requirements.

Fire drills are required at least four times a year. The ~~center~~ program must conduct one tornado drill at the beginning of each summer. The ~~center~~ program must document completion of fire and tornado drills.

The ~~day care center~~ program must have written emergency evacuation plans posted. All staff members must be aware of exits and methods to be used in the event of flood, fire, strong winds, or other emergencies.

Source: Transferred from § 67:14:19:33, 4 SDR 10, effective August 28, 1977; transferred from § 67:41:04:24, 7 SDR 66, 7 SDR 89, effective July 1, 1981; 20 SDR 223, effective July 7, 1994; 24 SDR 76, effective December 11, 1997; 31 SDR 40, effective September 29, 2004.

General Authority: SDCL 26-6-16(2).

Law Implemented: SDCL 26-6-16(2).

67:42:10:19. Physical standards for facility. The ~~center-program's~~ facility must contain not less than 35 square feet of play space indoors and 50 square feet of play space outdoors for each child present. Floor space used for permanent and stationery equipment and furniture, storage, halls, bathrooms, offices, and kitchens may not be included in the determination of usable play space for children. No more than half of the space occupied by cribs may be used in determining total square feet of play space.

Source: Transferred from § 67:14:19:34, 4 SDR 10, effective August 28, 1977; transferred from § 67:41:04:25, 7 SDR 66, 7 SDR 89, effective July 1, 1981; 12 SDR 209, effective July 6, 1986; 21 SDR 206, effective June 4, 1995.

General Authority: SDCL 26-6-16.

Law Implemented: SDCL 26-6-16.

67:42:10:20. Night-time care. Night-time care ~~program~~~~centers~~ within the context of this chapter mean any ~~day-care-center~~program in operation between 7:00 p.m. and 6:00 a.m. When the same premises are used for the provision of both day and night care, the number of children during overlapping shift periods may not exceed the maximum licensed capacity of the ~~program~~~~center~~. No child may attend the ~~center~~program for more than 18 hours in any 24-hour period. The required staff-child ratio, as outlined in § 67:42:10:07, must be maintained during all hours of operation. Staff on duty must be awake and alert to the needs of children. Staff supervising sleeping children must be on the same floor as the sleeping children.

Source: 7 SDR 66, 7 SDR 89, effective July 1, 1981; 12 SDR 209, effective July 6, 1986; 21 SDR 206, effective June 4, 1995.

General Authority: SDCL 26-6-16.

Law Implemented: SDCL 26-6-16.

67:42:10:21. Volunteers. ~~If a volunteer is used to fill a staff member's position such as a teacher, child care worker, or secondary child care worker, the volunteer must meet the applicable requirements for the position being filled~~Repealed.

Source: 12 SDR 209, effective July 6, 1986; 20 SDR 223, effective July 7, 1994; 21 SDR 206, effective June 4, 1995.

~~—General Authority: SDCL 26-6-16.~~

~~—Law Implemented: SDCL 26-6-16.~~

~~—Cross-References:~~

~~—Screening for substantiated reports of abuse and neglect, § 67:42:01:05.02;~~

~~—Persons required to report child abuse or neglected child -- Intentional failure as misdemeanor, SDCL 26-8A-3;~~

~~—Oral report of abuse or neglect -- To whom made -- Response report, SDCL 26-8A-8;~~

~~—Responsibilities of and qualifications for teacher, § 67:42:10:04;~~

~~—Qualifications for child care workers, § 67:42:10:05.~~

67:42:10:22. Staff responsibility for reporting suspected in-house incidents of child abuse or neglect. The programcenter shall require each staff member to read and sign a statement which defines child abuse and neglect and outlines the staff member's responsibility to report all incidents of child abuse or neglect according to state law. Each staff member shall, in addition to complying with SDCL 26-8A-3 and 26-8A-8, report any incident of child abuse or neglect to the ~~executive~~ director, the proprietor, or a designee. The ~~executive~~ director, proprietor, or designee shall immediately report any suspected or alleged in-house incident of child abuse or neglect to the department, police, sheriff, or state's attorney and cooperate fully in the investigation of any incident.

Source: 12 SDR 209, effective July 6, 1986.

General Authority: SDCL 26-6-16.

Law Implemented: SDCL 26-6-16.

67:42:10:24. Storage for personal items. In order to prevent cross-contamination and the spread of infectious diseases and lice, a ~~day-care-center~~program must provide an individual storage unit or container for each child's personal articles including combs, brushes, towels, and clothing.

Source: 21 SDR 206, effective June 4, 1995.

General Authority: SDCL 26-6-16.

Law Implemented: SDCL 26-6-16.